

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 14, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NICOLE L.,

v.

ANDREW M. SAUL,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:20-CV-3081-JTR

ORDER GRANTING STIPULATED
MOTION FOR REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g)

BEFORE THE COURT is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 22. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney Leisa A. Wolf represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 8. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 22**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative action pursuant to sentence four of 42 U.S.C. § 405(g).

On remand, the Appeals Council will first determine the appropriate administrative action to be taken — whether a favorable decision can be issued based on the evidence of record or whether further development of the record and a new Administrative Law Judge (ALJ) decision is necessary.

ORDER GRANTING STIPULATED MOTION FOR REMAND - 1

1 If the Appeals Council determines that a decision cannot be issued based on
2 the evidence of record, the Appeals Council will remand the case to an ALJ in
3 order to: (1) offer Plaintiff the opportunity for a hearing; (2) obtain medical expert
4 evidence regarding the established onset date (Social Security Ruling 18-1p) and to
5 assist in evaluating Listing 11.02 for the full period at issue; (3) further consider
6 the medical opinion evidence pursuant to 20 §§ C.F.R. 404.1527 and 416.927,
7 including the opinions of Dr. Reinmuth, Dr. Genest, Mr. Chet, and Dr.
8 Rodenberger/Mr. Moen; (4) proceed through the sequential evaluation process as
9 necessary; and (5) issue a new decision.

10 2. **Judgment shall be entered for PLAINTIFF.**

11 3. Plaintiff's Motion for Summary Judgment, **ECF No. 18**, is
12 **STRICKEN AS MOOT.**

13 4. An application for attorney fees and costs may be filed by separate
14 motion.

15 The District Court Executive is directed to enter this Order, forward copies
16 to counsel, and **CLOSE THE FILE.**

17 DATED April 14, 2021.



A handwritten signature in black ink, appearing to be "M", is written over a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE